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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 EDWARD LEE SMITH,

18 Defendant.

CASE NO. 3:15-CR-00061-002

19 **STIPULATION AND ORDER TO CONTINUE SENTENCING (FIRST REQUEST)**

20 **IT IS HEREBY STIPULATED** by and between Edward Lee Smith (“Mr. Smith”),
21 Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Gentile
22 Cristalli Miller Armeni Savarese and the Plaintiff, United States of America, by and through
23 Nicholas A. Trutanich, United States Attorney, and, James E. Keller, Assistant United States
24 Attorney, that the sentencing hearing currently scheduled for May 29, 2019, at 11:00 a.m., be
25 vacated. The Parties respectfully request the hearing be continued to July 2, 2019, at 10:00 a.m.

26 This Stipulation is entered into for the following reasons:

27 1. Sentencing in this matter is currently scheduled for May 29, 2019, at 11:00 a.m.
28 Therefore, Mr. Smith’s sentencing memorandum and formal objections are currently due on May
29 22, 2019.

30 2. Paola M. Armeni was appointed by this court as counsel for Mr. Smith on February 20,
31 2019.

1 3. Ms. Armeni requested the trial transcripts in this matter and received them on March 18,
2 2019.

3 4. Mr. Smith is currently incarcerated at Warm Springs Correctional Center in Carson City,
4 Nevada, and Ms. Armeni's law practice is in Las Vegas, Nevada. As a result, Ms. Armeni had to
5 work with the CJA panel to make travel arrangements to visit Mr. Smith. Ms. Armeni was able
6 to visit with Mr. Smith on April 16, 2019.

7 5. After meeting with Mr. Smith, Ms. Armeni determined that she needed additional time to
8 thoroughly prepare for sentencing on Mr. Smith's behalf. As such, Ms. Armeni cannot meet the
9 current deadlines for the filing of formal objections to the presentence investigation report and
10 the sentencing memorandum. Further, the continuance of the sentencing date will allow Ms.
11 Armeni the opportunity to provide Mr. Smith with effective representation at sentencing.

12 6. Mr. Smith and the government agree to this continuance of the sentencing date.

13 7. The additional time requested herein is not sought for purposes of delay and the denial of
14 this request for a continuance could result in a miscarriage of justice.

15 8. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
16 hearing for good cause. Good cause exists in this case.

17 9. For all the above-stated reasons, the ends of justice would be best served by a short
18 continuance of the sentencing hearing.

19 10. This is the first request for a continuance of the sentencing hearing.

20 NICHOLAS A. TRUTANICH
21 UNITED STATES ATTORNEY
DISTRICT OF NEVADA

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

22 DATED this 7th day of May, 2019.

DATED this 7th day of May, 2019

23 /s/ James E. Keller
24 JAMES E. KELLER
25 Assistant United States Attorney
Attorneys for Plaintiff,
26 UNITED STATES OF AMERICA

/s/ Paola M. Armeni
24 PAOLA M. ARMENI
25 Attorney for Defendant,
26 EDWARD LEE SMITH

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 3:15-CR-00061-002

4 Plaintiff,

5 vs.

6 EDWARD LEE SMITH,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9
10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

14 1. Sentencing in this matter is currently scheduled for May 29, 2019, at 11:00 a.m.

15 Therefore, Mr. Smith's sentencing memorandum and formal objections are currently due on May
16 22, 2019.

17 2. Paola M. Armeni was appointed by this court as counsel for Mr. Smith on February 20,
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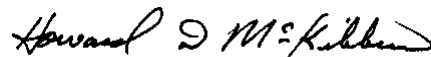
8 9. For all the above-stated reasons, the ends of justice would be best served by a short
9 continuance of the sentencing hearing.

10 10. This is the first request for a continuance of the sentencing hearing.

11 **ORDER**

12 **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for
13 May 29, 2019, at the hour of 11:00 a.m. is hereby vacated and continued to the 2nd day of July,
14 2019, at the hour of 10:00 a.m., in Courtroom 4.

15 **DATED** this 9 day of May, 2019.

16 

17 **HOWARD D. McKIBBEN**
18 **UNITED STATES DISTRICT COURT JUDGE**
19 **CASE NO.: 3:15-CR-00061-002**
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